

REMARKS

With the entry of the foregoing amendments, the application contains claims 1-14. Favorable consideration is requested.

At the outset, applicant thanks the Examiner for the interview conducted on October 21, 2009. In this regard, applicant agrees with the Interview Summary dated October 28, 2009, and thanks the Examiner for confirming therein that the Section 112 rejection has been withdrawn.

Claim 1 has been amended to make it clear that applicant is claiming the structure of a multilayer dose prior to any compression molding and is not claiming a parison. The amendments also render moot the Office Action's preamble contentions. No new matter has been added by the claim amendments.

As noted during the interview, the claimed multilayer dose structure results in objects with superior barrier properties. In this regard, amended claim 1 is directed to and requires the following features that are in the body of the claim text (not in the preamble):

a multilayer dose for compression molding, said multilayer dose
having a surface, the multilayer dose comprising
a first synthetic resin, and
at least one layer of a different functional resin imprisoned at least
largely in said first synthetic resin,
wherein, prior to any compression molding, a part of the multilayer
dose's surface is concave, and

wherein the multilayer dose is in the melt state and has an axis of symmetry for the realization of multilayer objects by compression molding.

As discussed below, the cited prior art does not anticipate or render obvious the claimed invention. See also the previously filed Rule 132 Declaration that supplies facts that further distinguishes the claimed invention from the prior art. The Office Action has not rebutted the facts of the Rule 132 Declaration.

Claims 1, 2, 4-9 and 11-12 stand rejected as allegedly being anticipated by Kudert. Applicant traverses the rejection because Kudert fails to disclose any dose, any multilayer dose, and any multilayer dose having the features as claimed. Kudert simply discloses, in a voluminous document, injection molding machines and parisons associated therewith. A parison is not a dose. See also the previously filed Rule 132 Declaration that has not been rebutted by any documented facts. Consequently, applicant requests the withdrawal of the anticipation rejection.

Claims 3 and 10 stand rejected as allegedly being obvious over Kudert. In response, applicant traverses the rejection because Kudert does not disclose doses or their designs or attributes, Kudert does not teach the claimed multilayer dose invention, and Kudert does not suggest to one skilled in the art how to arrive at the claimed invention. See also the Rule 132 Declaration that was previously submitted. The Declaration provides facts that the Office Action has not rebutted with any documented facts. As correctly and factually stated in the Declaration, Kudert concerns and describes an injection molding device. Kudert's description of the device and its use of

parisons is not like the claimed invention that concerns specific multilayer doses that are subsequently compression molded ... not injection molded in machines like Kudert's injection molding machine. Thus, without improper hindsight and a leap in logic, one skilled in the art would not be taught by Kudert to go from an injection machine that uses parisons to the applicant's claimed multilayer dose invention.

Claims 13 and 14 stand rejected as allegedly being obvious over Akiyama. Although applicant is pleased to note that the Examiner has withdrawn his prior rejection of Claims 13 and 14 based upon the Van Schaftingen reference, applicant is disappointed to now see Akiyama cited against Claims 13 and 14. In response to this Akiyama citation, applicant traverses the rejection because Akiyama does not disclose or suggest a production process for a multilayer dose ... prior to any compression molding ... as required in claims 13 and 14. Stated another way, Akiyama does not disclose or suggest, among other things, applicant's process to "form said concave surface of the multilayer dose in the melt state, prior to any compression molding." Consequently, applicant requests the withdrawal of the rejection.

Finally, applicant notes that the statements in the previously submitted Rule 132 Declaration are factual statements from a person skilled in the art. The Office Action disputes this, but has not supplied any contradictory evidence. Thus, applicant's Rule 132 Declaration facts stand as un-rebutted.

Applicant submits that this application is in condition for allowance. A notice to that effect is earnestly solicited.

THOMASSET
U.S. App. 10591126

If the Examiner has any questions or believes that minor claim amendments would assist with the allowance of this case, the undersigned may be contacted at 703-816-4009.

Respectfully submitted,

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